

1 REMARKS

2 Status of the Claims

3 Claims 2, 4-11, 14, 15, 17-41, 43, 44, 55-61, 74, 76-78, 88, 89, and 97-98 are pending in the  
4 present application, Claims 3, 12, 13, 16, 42, 46, 47, 62-73, 75, and 82-87 having been previously  
5 canceled, Claims 1, 45, 48-54, 79-81, 90-96, and 99-100 having been canceled herein, and Claims 55  
6 and 74 having been amended to incorporate allowable subject matter, placing them in a condition for  
7 allowance.

8 Summary of Telephone Interview

9 On September 2, 2008, Examiner Musselman telephoned Sabrina MacIntyre (Registration  
10 No. 56,912) in response to applicant's attorney's inquiry regarding whether independent Claim 1 was  
11 allowed. Claim 1 was indicated as being rejected on page 4 of the Office Action, yet identified as  
12 being allowed on page 8 of the Office Action.

13 Examiner Musselman stated that Claim 1 was not allowed. Applicant's attorney once again  
14 thanks Examiner Musselman for clarifying this issue, since the remaining rejected claims have been  
15 either canceled or amended to incorporate allowable subject matter, so that the application is now in  
16 condition for allowance.

17 Allowable Subject Matter

18 Claims 2, 4-11, 14, 15, 17- 41, 43, 44, 57-61, 88, 89 and 97-98 are allowed.

19 Claims Rejected Under 35 U.S.C. § 102(b)

20 Claims 45, 48-50, 53-56, 74, 76, 77, and 90 have been rejected under 35 U.S.C. § 102(b) as  
21 being anticipated by U.S. Patent No. 4,134,218 (Adams et al. - hereinafter referred to as "Adams").  
22 Claims 91 and 95 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent  
23 Publication No. 2003/0068606 (Nicholls et al. - hereinafter referred to as "Nicholls"). Applicant  
24 respectfully disagrees with the above rejections for at least the following reasons.

25 In the interest of reducing the complexity of the issues for the Examiner to consider in this  
26 response, the following discussion focuses on independent Claims 1, 45, 55, 74, 79, 90, 91, 95, 96,  
27 and 99-100. The patentability of each remaining dependent claim is not necessarily separately  
28 addressed in detail. However, applicant's decision not to discuss the differences between the cited art  
29 and each dependent claim should not be considered as an admission that applicant concurs with the  
30 Examiner's conclusion that these dependent claims are not patentable over the disclosure in the cited

1 references. Similarly, applicant's decision not to discuss differences between the prior art and every  
2 claim element, or every comment made by the Examiner, should not be considered as an admission  
3 that applicant concurs with the Examiner's interpretation and assertions regarding those claims.  
4 Indeed, applicant believes that all of the dependent claims patentably distinguish over the references  
5 cited. In any event, a specific traverse of the rejection of each dependent claim is not required, since  
6 dependent claims are patentable for at least the same reasons as the independent claims from which  
7 the dependent claims ultimately depend.

8 Patentability of Independent Claim 45 over Adams

9 Independent Claim 45 and its respective dependent claims have been canceled herein.  
10 Accordingly, their rejections are moot.

11 Patentability of Independent Claim 55 over Adams

12 Independent Claim 55 has been amended to incorporate the allowable subject matter of  
13 independent Claim 2, with respect to the recitation regarding a self-healing ability, thereby placing  
14 the claim in condition for allowance. Accordingly, the rejection of independent Claim 55 under  
15 35 U.S.C. § 102(b) should be withdrawn.

16 Dependent claims are patentable for at least the same reasons as the claims from which they  
17 depend. Thus, the rejection of Claim 56 should also be withdrawn.

18 Patentability of Independent Claim 74 over Adams

19 Independent Claim 74 has been amended to incorporate the allowable subject matter of  
20 independent Claim 98, with respect to the recitation regarding a conductive powder dispersed in an  
21 elastomeric matrix, thereby placing the claim in a condition for allowance. Accordingly, the rejection  
22 of independent Claim 74 under 35 U.S.C. § 102(b) should be withdrawn.

23 Dependent claims are patentable for at least the same reasons as the claims from which they  
24 depend, thus, the rejections of Claims 76-78 should also be withdrawn.

25 Patentability of Independent Claim 90 over Adams

26 Independent Claim 90 has been canceled herein. Accordingly, its rejection is moot.

27 Patentability of Independent Claim 91 over Nicholls

28 Independent Claim 91 and its respective dependent claims have been canceled herein.  
29 Accordingly, their rejection is moot.

1 Patentability of Independent Claim 95 over Nicholls

2 Independent Claim 95 has been canceled herein. Accordingly, its rejection is moot.

3 Claims Rejected Under 35 U.S.C. § 103(a)

4 Claims 1, 38-41, and 96 have been rejected under 35 U.S.C. § 103(a) as being unpatentable  
5 over U.S. Patent No. 4,872,841 (Hamilton et al. - hereinafter referred to as "Hamilton") in view of  
6 Adams. Claims 51, 52, and 99 have been rejected under 35 U.S.C. § 103(a) as being unpatentable  
7 over Adams in view of U.S. Patent No. 5,589,639 (D'Antonio et al. - hereinafter referred to as  
8 "D'Antonio"). Claim 78 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over  
9 Adams in view of U.S. Patent No. 5,853,292 (Eggert et al. - hereinafter referred to as "Eggert").  
10 Claims 79-81 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hamilton in  
11 view of Adams and further in view of U.S. Patent No. 6,857,878 (Beach et al. - hereinafter referred to  
12 as "Beach"). Claim 100 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over  
13 Adams in view of U.S. Patent No. 6,544,041 (Damadian).

14 Each of the independent claims rejected as unpatentable in the group listed above have been  
15 canceled, so their rejection and the rejection of each claim dependent thereon are now moot.  
16 Dependent Claims 38-41 are patentable for at least the same reasons as independent Claim 2 on  
17 which they ultimately depend, as set forth above, and their rejection should be withdrawn.

18 Conclusion

19 In consideration of the amendment to the claims and the Remarks set forth above, it is  
20 applicant's position that all claims in the current application are patentable over the art of record. The  
21 Examiner is thus requested to pass this case to issue without further delay. In the event that any other  
22 issues remain, the Examiner is invited to telephone applicant's attorney at the number listed below.

23  
24 Respectfully submitted,

25  
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